

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 \* \* \*

7 DUKE F. CRANFORD,

Case No. 2:15-cv-02189-GMN-PAL

8 Plaintiff,

9 v.

**ORDER**

10 E.K. McDANIEL, et al.,

(Mail Returned Undeliverable – ECF No. 46)

11 Defendants.

12 This matter is before the court on a review of the record.

13 Plaintiff Duke K. Cranford is a pro se prisoner in the custody of the Nevada Department of  
14 Corrections (“NDOC”) at the Northern Nevada Correctional Center. Plaintiff commenced this  
15 action on November 18, 2015. This case arises from Plaintiff’s claims under 28 U.S.C. § 1983,  
16 regarding his treatment while he was incarcerated at the High Desert State Prison (“HDSP”). The  
17 court has found that the Second Amended Complaint (ECF No. 11) states a plausible Eighth  
18 Amendment claim for deliberate indifference to a serious medical need against Defendants E.K.  
19 McDaniels, Romeo Aranas, B. Stroud, Dr. Leaks, and nurse Molly. Screening Order (ECF  
20 No. 13).

21 On December 9, 2016, the Nevada Office of the Attorney General (“Attorney General”)  
22 accepted service on behalf of Defendants E.K. McDaniels, Romeo Aranas, and Bruce Stroud (the  
23 “NDOC Defendants”). Notice Acceptance of Service (ECF No. 20). The NDOC Defendants filed  
24 an Answer (ECF No. 23) to the Second Amended Complaint.

25 The court extended the deadline for Plaintiff to accomplish service on Defendants Molly  
26 Chiello and Dr. George Leaks until July 14, 2017. Orders (ECF Nos. 30, 41). The record indicates  
27 that service was not effected for Chiello. May 5, 2017 Summons Returned Unexecuted (ECF  
28 No. 36). However, Plaintiff did not file a motion before the July 14, 2017 deadline specifying a

1 more detailed name and/or address, or whether some other manner of service should be attempted.  
2 Service was executed for Defendant Dr. George Leaks, June 7, 2017 Summons Returned Executed  
3 (ECF No. 43), but no answer has been filed to date. No party has filed a certificate of interested  
4 parties pursuant to LR 7.1-1 of the Local Rules of Practice

5 On August 2, 2017, the Clerk of the Court issued a Notice of Intent to Dismiss Pursuant to  
6 FRCP 4(m) (ECF No. 45), altering Plaintiff that no proper proof of service had been filed regarding  
7 Defendant Chiello. The notice was returned to the court indicating that Plaintiff was "Deceased  
8 6/19/17." Mail Returned Undeliverable (ECF No. 46).


9 Plaintiff's last court filings are dated May 15, 2017. *See* Min. Order (ECF No. 40)  
10 (returning Plaintiff's improperly filed interrogatories). A public records search on NDOC's online  
11 search engine for Mr. Cranford states "Inactive-Death."

12 Accordingly,

13 **IT IS ORDERED:**

- 14 1. The Nevada Office of the Attorney General shall investigate the matter file a status  
15 report informing the court of its findings on or before **January 19, 2018**.  
16 2. If Plaintiff's death is confirmed, the Nevada Office of the Attorney General shall file a  
17 suggestion of death on the record on or before **January 19, 2018**.

18 Dated this 5th day of January, 2018.

19  
20   
21 PEGGY A. LEEN  
22 UNITED STATES MAGISTRATE JUDGE  
23  
24  
25  
26  
27  
28